PTO/SB/21 (08-03) Approved for use through 08/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/825,788 TRANSMITTAL Filing Date April 16, 2004 **FORM** First Named Inventor TIAN Art Unit (to be used for all correspondence after initial filing) as yet unknown **Examiner Name** as yet unknown Attorney Docket Number 010094.01 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance communication to Technology Center (TC) Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to TC Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please **Terminal Disclaimer** Extension of Time Request Identify below): 1. Return Postcard Request for Refund **Express Abandonment Request** 2. References as listed on Form PTO 1449 CD, Number of CD(s) Information Disclosure Statement Remarks Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application

Response to Missing Parts under 37 CFR 1.52 or 1.53

ADDRESS. SEND TO: Mail Stop:

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Yuan Chao, Reg. 32,118 Individual name Signature Date May 11, 2004 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Typed or printed name Nancy Impey Date May 11, 2004 any Signature

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Appl'n of:

Tian et al.

Att'y Ref. No.:

010094.01

Appl'n No.:

10/825,788

Filed:

Apr. 16, 2004

Group Art Unit:

(as yet unknown)

Examiner:

(as yet unknown)

Title:

11-O-METHYLGELDANAMYCIN

Mailing Address:

Kosan Biosciences, Inc.

•

3832 Bay Center Place

Hayward, CA 94545

## **INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents

**COMPOUNDS** 

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement ("IDS") is submitted to the Patent Office in accordance with the duty of candor and good faith under 37 CFR §1.56. The Examiner is requested to consider the cited information in the examination of this application.

The cited information is listed in the accompanying Form PTO-1449 (3 sheets total), submitted in duplicate. Each item of information is identified there by a unique cite number (A1, A2, ..., B1, B2, ..., C1, C2, ..., etc.). The Examiner is requested to return an initialed and signed copy of the form, in accordance with MPEP §609.

CERTIFICATE OF MAILING UNDER 37 CFR §1.8					
				es Postal Service on the date given below	
with sufficient postage as first class ma	il in an envelope	addressed to the	ne Comn	nissioner for Patents, P.O. Box 1450,	
Alexandria, VA 22313-1450.	•				
Name of person signing certificate: Nancy Impey					
Signature: May 1, 2004  Date: May 1, 2004					

This application was filed after June 30, 2003. In accordance with the PTO announcement in 1276 OG 255 (Aug. 5, 2003), copies of US patents and published applications are not being furnished with this application.

A number of the items of information were cited or discussed in the application, at the locations indicated in the following table:

Item of Information (Cite No.)	Application (paragraph no(s).)
A2	[0005]
A4	[8000]
A5	[0007]
A6	[8000]
A7	[0051]
A8	[0051]
A9	[0051]
A10	[0005], [0008], [0042]
A11	[8000]
A13	[0005]
B2	[8000]
B4	[8000]
B5	[0005], [0008]
В6	[8000]
В7	[8000]

Item of Information (Cite No.)	Application (paragraph no(s).)
B8	[0008]
В9	[0008]
C2	[0007]
C4	[0007]
C6	[0005], [0008]
C7	[0005], [0008]
C8	[0005]
C9	[0071]

For foreign patents in a foreign language for which no translation into English is available (items B9 and B10), English-language abstracts are provided (items C10 and C11, respectively).

The Examiner is advised pursuant to MPEP §2001.06(b) that the instant application is part of a set of four co-pending, commonly assigned applications claiming a common priority back to US Provisional Application No. 60/519,479, filed Nov. 12, 2003:

- Application No. 10/825,788, filed Apr. 16, 2004 (Attorney's docket number 010094.01).
- Application No. 10/826,446, filed Apr. 16, 2004 (Attorney's docket number 010094.03).
- Application No. 10/826,447, filed Apr. 16, 2004 (Attorney's docket number 010094.04).

Application No. 10/825,788 Attorney's docket No. 010094.01

Page 4

Application No. 10/826,445, filed Apr. 16, 2004 (Attorney's docket number

010094.05).

The citation of a particular item of information is not intended to be, and should

not be construed as, an admission that such item of information is material to

patentability as defined in 37 CFR §1.56 or qualifies as "prior art" within the meaning of

applicable law. The materiality and "prior art" status of any item of information is a

matter to be resolved during examination.

This IDS is submitted under the provisions of 37 CFR §1.97(b)(1), that is, within

three months of the filing date of the application. Therefore, it is believed that no fee,

certification or other formality is required. However, in the event a fee is required, the

Commissioner is authorized to charge such fee (including but not limited to any fee(s)

that might be required under 37 C.F.R. §§1.16, 1.17, or 1.18) against Deposit Account

No. 50-2544.

Consideration of the cited information in the examination of this application is

respectfully requested.

Respectfully submitted,

Reg. No. 32,118

Telephone (510) 751-5156

Facsimile (510) 751-5143

<b>*</b> *	SIPE ICT
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Sheet	1	of	3

INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION

(Use several sheets if necessary)

Docket No. (optional) 010094.01	Application Number: 10/825,788
Applicant:	
Tian et al.	
Filing Date:	Group Art Unit:
Apr. 16, 2004	(as yet unknown)

Examiner Initial	Cite No. 1	Document Number	Date	Name	Class	Sub- class	Filing Date If Appropriate
	A1	US 3,987,035	1976	Rinehart, Jr., et al.	260	239.3P	
	A2	US 4,261,989	1981	Sasaki <i>et al.</i>	424	244	
	A3	US 4,421,687	1983	Hasegawa et al.	260	239.3B	
•	A4	US 4,421,688	1983	Muroi et al.	260	239.3B	
	A5	US 4,540,517	1985	Tanida et al.	260	239.3B	
	A6	US 5,387,584	1995	Schnur	514	183	
	A7	US 5,510,118	1996	Bosch et al.	424	489	
	A8	US 5,534,270	1996	De Castro	424	490	

FOREIGN PATENT DOCUMENTS							
Examiner Initial	Cite No. 1	Document Number	Date	Country	Class	Sub- class	Translation Enclosed?
	B1	WO 93/14215 A1	1993	PCT			n/a
	B2	WO 94/08578 A2	1994	PCT			n/a
•	B3	WO 95/01342 A1	1995	PCT			n/a
	B4	WO 00/03737 A2	2000	PCT			n/a
	B5	WO 02/079167 A1	2002	PCT			n/a

	· · · ·	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)	
Examiner Initial	Cite No. 1	Details of Document	Translation enclosed?
	C1	Sasaki <i>et al., J. Antibiotics</i> <b>32</b> (8), 849-851 (1979), "Growth Inhibition of Virus Transformed Cells in Vitro and Antitumor Activity in Vivo of Geldanamycin and its Derivatives"	n/a
·	C2	Muroi et al., Tetrahedron 37, 1123-1130 (1981), "The Structures of Macbecins I and II"	n/a
	C3	Omura et al., J. Antibiotics 37 (10), 1264-1267 (1984), "Chemical Modification and Antitumor Activity of Herbimycin A, 8,9-Epoxide, 7,9-Cyclic Carbamate, and 17- or 19-Amino Derivatives"	n/a

Examiner	Date considered

**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

<sup>1</sup> Applicant's unique citation designation number (optional).

Sheet	2	of	3

Form		

## INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION

(Use several sheets if necessary)

Docket No. (optional)	Application Number:
010094.01	10/825,788
Applicant:	
Tian et al.	
Filing Date:	Group Art Unit:
Apr. 16, 2004	(as yet unknown)

U.S. PATENT DOCUMENTS							
Examiner Initial	Cite No. 1	Document Number	Date	Name	Class	Sub- class	Filing Date If Appropriate
	A9	US 5,662,883	1997	Bagchi <i>et al.</i>	424	9.4	
	A10	US 5,932,566	1999	Schnur et al.	514	183	
	A11	US 6,015,659	2000	Welch et al.	435	1.2	
•	A12	US 6,682,758	2004	Tabibi <i>et al.</i>	424	450	12/22/1999
•	A13	US 2003/0114450 A1	2003	Santi et al.	514	234.5	8/5/2002

FOREIGN PATENT DOCUMENTS							
Examiner Initial	Cite No. 1	Document Number	Date	Country	Class	Sub- class	Translation Enclosed?
	B6	WO 02/36574 A1	2002	PCT			n/a
-	B7	WO 03/013430 A2	2003	PCT			n/a
	B8	WO 03/066005 A2	2003	PCT			n/a
	B9	JP 63-218620	1988	Japan			no
	B10	JP 04-046120	1990	Japan			no

		OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)			
Examiner Initial	Cite No. 1	Details of Document			
	C4	Shibata et al., J. Antibiotics 39 (11), 1630-1633 (1986), "The Structure and Cytocidal Activity of Herbimycin C"	n/a		
	C5	Uehara et al., J. Antibiotics 41 (5), 831-834 (1988), "Effects of Herbimycin Derivatives on src Oncogene Function in Relation to Antitumor Activity"	n/a		
	C6	Schnur et al., J. Med. Chem., 38, 3806-3812 (1995), "Inhibition of Oncogene Products p185 (erbB-2) in Vitro and in Vivo by Geldanamycin and Dihydrogeldanamycin Derivatives"	n/a		
	C7	Schnur et al., J. Med. Chem., 38, 3813-3820 (1995), "erbB-2 Oncogene Inhibition by Geldanamycin Derivatives: Synthesis, Mechanism of Action, and Structure-Activity Relationships"	n/a		
	C8	Jez et al., Chemistry & Biology, 10, 361-368 (2003), "Crystal Structure and Molecular Modeling of 17-DMAG in Complex with Human Hsp90"	n/a		

Examiner	Date considered

**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

<sup>1</sup> Applicant's unique citation designation number (optional).

						Sheet	3	of 3
Form PTC	)-1449				Docket No. (		Applicat	ion Number:
	INITOT	MATION DICCLOSURE C	TATEMENT		010094.01		10/825	,788
	INFOR	MATION DISCLOSURE S IN AN APPLICATION			Applicant: Tian et al.			
					Filing Date:		Group A	rt Unit:
(Use several sheets if nece					Apr. 16, 2004		(as yet unknown)	
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Examiner Initial	Cite No. 1	Document Number	Date Date	DOCUMENTS Name		Class	Sub- class	Filing Date If Appropriate
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Examiner Cite Initial No.		Document Number	Date	Country C		Class	Sub- class	Translation Enclosed?
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	-	OTHER DOCUMENTS	(Including Au	thor, Title, D	ate, Pertinen	t Pages, et	c.)	
Examiner Initial	Cite No. 1		Details	of Documen	t			Translation enclosed?
miniai	C9	Carreras et al., Anal. Biochem., 317 (1), 40-46 (June 2003), "Filter Binding Assay n/a						

C11	Chemical Abstracts 117:63002 (abstract of JP 04-046120)	n/a
Examiner	Date considered	

n/a

for the Geldanamycin-Heat Shock Protein 90 Interaction"

Chemical Abstracts 110:231340 (abstract of JP 63-218620)

**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

Applicant's unique citation designation number (optional).

C10